

Minutes
Catawba County Board of Commissioners
Regular Session, Monday, November 5, 2001, 9:30 a.m.

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The Catawba County Board of Commissioners met in regular session on Monday, November 5, 2001, 9:30 a.m., at the 1924 Courthouse, Robert E. Hibbitts Meeting Room, 30 North College Avenue, Newton, North Carolina.

Present were Vice Chairman W. Steve Ikerd, and Commissioners Katherine W. Barnes, Barbara G. Beatty, and Dan A. Hunsucker.

Chair Marie H. Huffman was absent.

A quorum was present.

Also present were County Manager/Deputy Clerk J. Thomas Lundy, Deputy County Manager Steven D. Wyatt, Assistant County Manager Mick W. Berry, County Attorney Robert Oren Eades, Staff Attorney Debra Bechtel, and County Clerk Thelda B. Rhoney.

1. Vice Chairman Ikerd called the meeting to order at 9:30 a.m.
2. Invocation offered by Commissioner Barnes.
3. Commissioner Barnes made a motion to approve the minutes from the regular and closed sessions of Monday, October 15, 2001.
4. Special Guests:
 - a. Recognition of Mini Course Graduates.

Ms. Debbie L. Bradley, Personnel Director, said there were 22 Mini-course graduates. She said this program has been in existence since the mid-1980s. County employees volunteer to participate on their lunch hour at various locations. The purpose of the course is to introduce employees to the services each County department provides. The course has 19 sessions, and there are attendance requirements. The eighth annual session began in February. The graduates will receive their certificates and be honored at a luncheon on Wednesday, November 7, 2001, at noon at the Catawba County Club. Sandra Rhodes, Thelda Rhoney, and Nancy Rockett had perfect attendance. The following employees were recognized:

Lorie Auton, Public Health; Teresa Boggs, Finance; Debbie Bradley, Personnel; Greta Bumgarner, Computerized Mapping; Kristy Deitz, Finance; Kandi Dubuque, Mental Health; Barbara Erwin, Personnel; Kim Gragg, Public Health; Fay Grant, Public Health; Valerie Jones, Information Technology; Sue Laney, Personnel; Fran Little, Social Services; Lela Macijewski, Finance; Kerry Masterson, Public Health; Maneka Moses, Public Health; Sandra Rhodes, Library; Thelda Rhoney, County Manager's Office; Nancy Rockett, Personnel; Bernice Saine, Public Health; Brian Smith, formerly with Mental Health; Penny Tate, Information Technology; and Norm Tipton, Social Services.

5. Presentation of Proclamations:
 - a. Commissioner Hunsucker presented a proclamation to N. Fred Miller, Jr., Cooperative Extension Director proclaiming November 16-22, 2001, as Farm-City Week.
 - b. Commissioner Beatty presented Steve W. Rolan, Chief Animal Control Officer with a proclamation for National Animal Shelter Appreciation Week, November 4-10, 2001.
 - c. Vice-Chairman Ikerd presented a Proclamation for World Town Planning Day, November 8, 2001, to County Planner Mary K. George; Assistant Planner Rich A. Hoffman; and Assistant Planner Richard B. Smith.

The Planning Staff invited the Board of Commissioners, citizens, and citizen board members of the Board of Adjustment, Planning Board, and Small Area Plans to an Open House to celebrate World Town Planning Day on Thursday, November 8, 2001, Government Center, second floor meeting room, 2:00 – 5:00 p.m. The Planning Staff also invited everyone to review a draft of the Mountain View Small Area Plan on Monday, November 12, 2001, 4:00 – 8:00 p.m., at the Mountain View Elementary School cafeteria.

- d. Commissioner Barnes presented a Proclamation for Adoption Awareness Week, November 18-24, 2001 to Bobby K. Boyd, Social Services Director and Brittany Odom.

Mr. Boyd said in 1997 adoption policies changed. He said in 1999 the Board of Commissioners adopted a biannual as the years of adoption in Catawba County and the two year period will end

December 2001. Catawba County social workers and the adoption unit at Family Builders set a goal to place 100 children and to date they have placed 93 children. He feels they will meet or exceed their goal. He introduced Brittany Odom and her adoptive mom, Pat Synder and social worker Lara Grate.

Lara Grate said in a matter of months Brittany and her brother John will be adopted. Brittany's name will then change from Brittany Odom to Brittany Odom Snyder.

Eleven year old Brittany Odom shared some of her artwork she created telling about her feelings being in Catawba County's foster care system, how moving around affects children, and why having an adoptive family is so important.

6. Public Hearing:

a. Catawba County Water Extension Ordinance.

Vice Chairman Ikerd said the full page article that came out in the newspaper this weekend was untrue. He said the statement that you would be required to hook-on to municipal water is untrue. He said there is no requirement by the County or city that if you have a private well would require citizens to hook-on to municipal water. He said this is not in this ordinance. He said there is a provision in the ordinance for existing well owners to bore another well for a period of time and a provision for other type wells. He said a lot of fears is unfounded.

Mr. Barry B. Edwards, P. E., Utilities & Engineering Director gave a PowerPoint presentation. He said the Public Works Subcommittee recommends that the Board of Commissioners adopt the Catawba County Water Extension Ordinance. The objective of the Water Extension Ordinance is to meet the demand for public water supply, provide quality drinking water for our citizens, establish a uniform connection policy for unincorporated areas of the County, and implement a capital fee in the unincorporated areas of the county as a supplemental funding source for future line extensions. Due to groundwater contamination and a receding water table, there is a need for public water in areas of Catawba County. He showed the groundwater contamination sites in Catawba County as identified by NC Department of Environment and Natural Resources (DENR) and most of these sites are underground storage tank leaks and said there were 46 outside the incorporated areas. There are 531 affected parcels (within 500 feet); affected structures (within 500 feet) – 815 and affected parcels without access to public water – 23. He said the latest report from the U.S. Geological Survey on rainfall in the Charlotte region in July we were down by 1.68 inches and in August we were down by 3.09 inches. He said the Catawba County Utilities and Engineer Department tracks rainfall at the Blackburn and Newton Landfills and the total rainfall is half of the 30-year average. He said the U.S. Geological Survey tracks several wells in the Mocksville area and in July of this year it was 2.85 feet lower and in August 3.73 feet lower. Local perspective since 1998 has dropped 18 inches or 1.44 feet. There were 575 well replacements from July 1999 through August 2001 and during this time period there were over 1,400 wells installed. The drilled wells averaged 295 feet and the bored wells averaged 56 feet based on data from the County's Environmental Health Department. Mr. Edwards made several comments on EPA's latest groundwater report to Congress: More than one-half of the citizens in North Carolina rely on groundwater for the source of drinking water; North Carolina groundwater is not exhaustible and not evenly distributed; groundwater resource regardless of depth is vulnerable to contamination introduced below or on land surface. Once contaminated, groundwater quality is almost impossible to restore completely and the cleanup process is very expensive and time consuming. Mr. Edwards said approximately 60 percent of groundwater makes up our river flows. He said regarding contamination of municipal water sources the cities test the water coming in from its source (river or lake), test numerous times as the water is being treated, test the finish water as it goes out, and tests out in the system many times. The City of Hickory performs over 25,000 test per year out in the system. He said areas can be quickly isolated as well as elevated tanks. These systems are manned 24 hours every day. Mr. Edwards said this ordinance offers the countywide extension and connection policy for county water service in the unincorporated areas of the county. He said most of the unincorporated areas in the County does not have access to public water and 76 percent of the parcels in unincorporated areas do not have access to public water. Mr. Edwards said state law requires connection for new construction and the NC Building Code, Section 3102 states: "The water-distribution and drainage system of any building or premises where plumbing fixtures are installed shall be connected to a public water-supply or sewer system, respectively, if available." He said the County Building Inspection Office has always enforced the State Building Code for all construction. He said with a well, Building Inspection's jurisdiction starts at the tank. If you

install the tank in the well house, our jurisdiction starts at the tank so waterlines between the well house and dwelling would be part of the plumbing permit. If your tank is underneath your home, again, the jurisdiction starts at the tank so the connection between the well and tank are not part of the plumbing permit so a well can be drilled anywhere on the premises --- let's say your existing well goes bad, you can put a replacement anywhere; you can drill 20 of them if you like. We do not inspect any lines prior to the tank - the tank is where the jurisdiction starts. He said we do abide by the law. If public water is available, only residential and non residential development will be required to provide public water service at the developer's expense based on the number of units proposed. Mr. Edwards said state law prohibits interconnection between private water supplies and public water systems as mentioned in the NC State Building Code, Volume II and NC Administrative Code, Title 15A. He said in compliance with municipal policy, where feasible, one meter will be required for each customer or water user.

Mr. Edwards said wells are permitted and allowed in accordance with state law, existing well owners can install an approved and permitted replacement well. The building code does not take jurisdiction at the tank, the well can be put in over and over and as many as you want. Wells are permitted for agricultural/horticultural and geothermal uses and are also permitted in areas where public water is not available and this is 76 percent of the unincorporated areas of Catawba County.

Mr. Edwards said fees paid by those that benefit from public water service will generate supplemental revenue from capital fees which will be used to fund future water and sewer system expansions in the unincorporated areas of the County. There will be \$1,000 capital fee per meter for residential water meters and non-residential users would be based on tap size and tap size is water use. He said the more demands that are put on a system the more it cost to upgrade the system. He said there is also a subdivision inspection fee to cover engineering review at a cost of \$250 per 100 lots or units or any part thereof and the cost will increase as the lots increase. He said the proposed Catawba County Water Extension Ordinance will provide an effective means for meeting public demand for water through a uniform policy and a supplemental funding source.

Vice Chairman Ikerd asked Mr. Edwards to state again the policy description of the fact that a person does not have to hook-on to municipal water and that there is a time period that they are allowed to bore another well if they so choose.

Mr. Edwards said this policy allows for replacement wells and citizens are not required to hook-on to municipal water if they have a well.

Commissioner Beatty asked what happens if two properties are hooked to one well and the one property changes ownership?

Mr. Edwards said they would have the right to drill a well. Two properties hooked to one well, each property would be considered to be connected to a well and each property would have the right to choose to drill a well or hook-on to municipal water if municipal water is available.

Commissioner Barnes asked the cost of a mile of waterline? Mr. Edwards said \$25 foot for 12-inch line or approximately \$150,000 for a mile.

Commissioner Barnes said she had received phone calls from citizens asking for public water service and in talking with Mr. Edwards it is difficult to do that due to distances and costs. She asked how many phone calls Mr. Edwards receives per month? He said 9 to 10 calls per month desiring public water. She asked how many citizens call requesting to drill a well when public water is available to them? Mr. Edwards said he had received only one call in six years. She said at a rate of \$1,000 we would not build up a funding source rapidly allowing us to install more lines.

Commissioner Beatty asked about the policy of free hookup. Mr. Edwards said during construction the County offers a 50 percent discount off the capital fee. He said there are municipal fees and each one would be a decision of the municipality.

Commissioner Barnes said in the existence of waterlines those that are in unincorporated have been done in partnership with the County and maintained by municipalities. The county is not basically in the water business.

Vice Chairman Ikerd said all of our waterlines are from one of the four water suppliers: Conover, Hickory, Maiden, or Newton.

Commissioner Barnes asked Mr. Edwards to clarify the inspection fee for engineering review and was it for subdivision only? Mr. Edwards said a homeowner or business would not be paying the inspection fee for engineering review.

Vice Chairman Ikerd opened the public hearing saying this was the time and place as advertised for the public hearing and asked that each speaker limit their time to five minutes since there was a large audience. He requested that each speaker give their name and address for the record and each speaker can speak for or against the ordinance and the Board will answer questions in the order they are received.

Gerald Kamp, 4005 – 16th Street, NE, Hickory said he wished to speak in opposition to one portion of the ordinance and that being water is only available to 24 percent of the county and as a builder/developer if he was developing a subdivision he would want both water and sewer. He feels that only a small number of people would fall into the criteria.

Gary Mosley with Heater Utility Company in North Carolina. He said this was only his second week on the job and he was from Florida originally. He said he did not know if he was for or against the ordinance. His company operates community water systems within the county and North Carolina. They have over 200 community wells in the western region of the states. He is for centralized water and sewer. He does not know what this ordinance does for his company or the future development of his company within the county. He said he would like to know.

Dan Huffman, 1473 Guy Baker Road, Conover said he was born, reared, educated, lives, and pays taxes in Catawba County and is proud of Catawba County. He is a Catawba County businessman with a considerable investment in equipment and goods. He employs eight people in Catawba County. He said he was a well and landowner and a water well contractor. He said for 55 years his family has provided a service of bringing fresh, clean water. He said he and other Catawba County contractors met with the Utilities and Engineering Department and the unanimous opinion of the contractors was for total, free choice in this matter. He said they also met with the Board of Health subcommittee and no public health issue was found. Wells and public supplies were both deemed acceptable. He said he had listened to well permitting and inspections representatives inform the board of the health subcommittee's opinion that no supply problem exists. He said good, high producing permitted drilled wells inspected and approved are being installed everyday. He said they assumed in good faith that their meetings would make a difference and instead the restrictions are now countywide instead of the southeast and their only recourse now is to the elected officials. He said he trust that this matter would be decided as all of their meetings indicated that it would be to give free choice to the citizens with no interference to their right for free enterprise.

Les Tilley, 4522 Ina Lane, Sherrills Ford said he did not oppose or support the ordinance but did have questions. He asked about frontage fees in addition to tap fees and asked about the \$1,000 capital and if that was a tap fee? He asked if there would also be a frontage fees assess to people as they tap onto the system? He requested clarification on being able to replace the well one time and then he said he heard the well could be replaced as many times as desired. He said his experience from other municipalities was you were allowed one replacement then you could never replace again. Will the ordinance specifically state that you will have unlimited replacement of an existing well on your property? Will there be notification of individual areas of the county as planned extensions are going to be taking place so that people have some notice that their area will be served?

Mr. Edwards said the capital fee would be the same as a frontage fee. Regarding wells, the County abides by the State laws and that the jurisdiction of building inspections starts at the tank not at the well and as long as the tank is not interrupted you can put as many wells as you wish with this ordinance. Building Inspections does not have the right to inspecting anything if we do not have jurisdiction. Mr. Tilley asked about a submergible pump?

Mr. Edwards said it would start at the pump for a submergible pump. Inspections does not get into the water supply itself; it is only about the plumbing. Once it moves to new construction it is clear by the General Statutes and you have to connect if water is available. Mr. Edwards said we have five-year extension plans and staff is in the process of updating the plan. Mr. Edwards further explained that

the plan would not cover, for example, if a developer were to develop 500 lot subdivision and by this ordinance the developer would be required to extend the lines which may go by a citizens house to get to the developers new subdivision and this would not be on the county's five-year plan.

Joel Cherry, Sherrills Ford asked a question about the \$1,000 tap on fee. He asked if that was Catawba County's portion and would there be an additional charge from the City of Newton, Hickory, Conover, or Maiden?

Mr. Edwards said yes the \$1,000 is outside the tap fee.

Karen Williams Sain, 3535 North Olivers Cross Road, Newton asked if it applies now or if later they would not be allowed a well if the water is tested. She said these meetings should not be held at 9:30 a.m. when the people who work cannot get off to attend the meetings. She asked to make the following statement, "I had a well and it went dry, we need water. I didn't ask for water from the city or from the river or from anything else, I just asked for what God gave us already. The maddest I have ever been is when I walked into our courthouse and had to pay \$195 or \$145 or \$149 for a permit to get another well because I didn't have any water, and I just want you to think about that while you have your job and while we put you in I want you to think about what's the welfare for everybody, not a business, not just a business, not just a big rich person that has lots of land but the average citizen of Catawba County. Thank you."

Alfred Moore, 6127 Little Mountain Road, asked if there were any plans in the future to have public water in the Sherrills Ford area or should he go ahead and have a well dug.

Mr. Edwards said Little Mountain Road was not currently on the plan. Mr. Edwards invited Mr. Moore to come to his office to discuss Mr. Moore's water situation.

Charley Lisk, 7386 NC 10 Highway, Vale, said he is currently on a well and asked if in the future if he were to give his two daughters land to build a home would they have to tap onto city water and he had water on his land would they be required to tap onto city water?

Mr. Edwards said this issue would be with the state, not the county. Mr. Edwards said if Mr. Lisk were to subdivide his property and it was adjacent to the road and there was an available waterline along the road they would be required to tap onto public water. Mr. Edwards said the County has to follow the state building code.

Roy Price, Price Well Drilling in Hickory, said his family has been in the well drilling business for 50 years. He said he had no problem with new waterlines but he feels the people need to have a choice when the waterlines come through. He said since the meeting with county staff the fees have been reduced and they can still drill wells; but, he believes it should be the peoples choice if there is water by their house they should have the choice to tap on or drill a well.

David Lewis said he lives in Catawba County, he asked if agricultural/horticultural and geothermal wells were going to be approved anywhere in the county? Mr. Edwards said yes. Mr. Lewis said two years ago only two types of wells were identified - potable and nonpotable and asked if they still had that classification?

Mr. Edwards said they would have to meet health department requirements.

Mr. Lewis said agricultural/horticultural and geothermal wells were classified as nonpotable wells and if wells were being taken out of the nonpotable, would all nonpotable wells have to be okayed? Mr. Edwards said those wells would still require a permit from the health department.

Mr. Lewis said on permitted wells but can we get a permit for a well in Sherrills Ford?

Vice Chairman Ikerd asked Mr. Edwards to answer the question. Mr. Edwards said even in this ordinance when it is allowed for a well, if the health department says it is too close to a septic tank you can't fit it on the property and you would have to meet the health department regulations in order to have a well.

Mr. Lewis asked if they apply for a well permitted in Sherrills Ford today, can they get approval for that permit?

Vice Chairman Ikerd said yes under this ordinance.

County Attorney Robert Oren Eades explained that under the new ordinance even if you were abutting the line in Sherrills Ford and you were replacing a well, you could get a permit for that well from the health department and under this ordinance you would be allowed to replace that well.

Mr. Lewis asked that in the Sherrills Ford area would you be able to get a permit for any nonpotable well?

Attorney Eades said no, if it is a replacement well for a residential structure and it otherwise meets the requirements of the health department then you could get a permit for that.

Vice Chairman Ikerd said not for new construction.

Mr. Lewis said it is settled on potable and nonpotable and if he wanted to drill a geothermal well anywhere in Sherrills Ford could he get a permit for that?

Vice Chairman Ikerd said yes, that is what the policy states.

Mr. Lewis said so that means any nonpotable well also? Mr. Edwards said yes.

Mr. Lewis said he would like to make that part of the record, "that any nonpotable well, we've agreed, can be drilled regardless of where it is in the county."

Mr. Edwards said as long as it meets health department standards.

Mr. Lewis asked Mr. Edwards about the statement Mr. Edwards made about receiving only one permit for a well. Mr. Edwards said he had only received one call for a well (when public water was available). Mr. Lewis said there were 1,400 wells drilled in Catawba County last year.

Mr. Edwards said he has only had one request from Sherrills Ford area wanting to drill a well when the property was adjacent to waterlines.

Mr. Lewis asked Attorney Eades about a law enacted in 1952 by the General Statutes which said dealing with riparian rights for lot owners in the State of North Carolina the property owner had the right to use any mineral water, underground, or whatever for his own personal use. He asked if Attorney Eades knew if that law was still in effect? Attorney Eades said he did not know.

Mr. Lewis said it needs to be looked at to see if the law has been violated or if it is in effect. He said he believed it was modified in the early 60s to allow septic tanks to be put on the property but any naturally occurring mineral water could be used by that property owner for its own personal use.

Attorney Eades said his assumption would be that the General Assembly is usually presumed to act when the rights of statutes consistent with all other statutes and that if they have written a building code that authorizes Catawba County to require hooking up to public water when it is available that that would be read as complimentary so that statute would not be in violation of it, even if it is still on the books.

Mr. Lewis asked if he could get a reading on that? From a definition if that law is still in effect to allow property owners to use mineral water on their property for personal use.

Attorney Eades said it would be easy to see if the law is still in effect.

Mr. Lewis said it is possible this could be in violation, this statute could be directly opposite or opposing these regulations we are trying to implement.

Attorney Eades said he would check to see if it is still in effect.

Mr. Lewis said if people want city water let them sign up for it and pay to run the lines for city water.

Jane Kain, Public Education Director for the South Atlantic Well Drillers Association which is an association that represents the well drilling profession in the state of North Carolina as well as seven other states in the southeastern region of the United States. She said when she was asked to come to this meeting she was sent an editorial entitled, "Business is not choice it's the issue." She said choice is the issue. She said according to statistics from the National Groundwater Association, groundwater accounts for 96 plus percent of the world's fresh water. Surface accounts for 3.8 percent. She said the statistics do not speak to the issue of choice, they certainly speak to the issue of where do we get our water resources and what choices do we make available to our citizens. She said wells are a time-honored, legal, safe source of potable water. She said not everyone lives where they can have a private well; however, in every case in which a private well is a viable option citizens deserve and need the right to choose.

Steve Palmer, Attorney in Catawba County, said he was appearing on behalf of 29 different entities who have an interest in the action the Board is proposing to take. He said a lot of talk is centered around the existing laws that Raleigh has already enacted and Mr. Edwards addressed those in his presentation. He said there are laws that must be enforced and Mr. Edwards indicated that they have been enforced since those laws were enacted. Mr. Palmer said those laws have been enforced and will continued to be enforced without an ordinance such as the County is considering. One of the statutes which permits the County the authority to take the action that a property owner may connect to a waterline, it does not say shall. He said the Board does not have to enact an ordinance to continue the citizens of Catawba County complying with the ordinance. He said one thing that needs to be considered is the effect on competition. He said the bedrock of our society is free enterprise and competition. He said there has been a bill introduced in our Congress this year, HR 937 and he read from the bill, "the congress finds the following: Some state and local governments restrict the use of privately owned water sources and impose fees on the owners of such sources for connection to or use of a public water supply." He said the second finding, "although state and local governments generally cite health and safety concerns and support of such restrictions the actual government concern it is often obtaining additional funds for the public water supply." Finding three, "by failing to respect the preferences private source owners for using their own water sources state and local government adversely affect competition in the market place and contribute to higher cost for property owner, rural businesses and farms." Mr. Palmer said this is pending and if it is enacted it will bar the use of any federal funds for such services that adversely affects the right of the public for choice and in this case the public water supply. He said they contend that it will be in the public's best interest if choice is permitted. He said to let the marketplace dictate who can provide the best services and at what price and they request the Board respect the preference of private water use of its citizens.

Forrest Ferrell, Attorney, said he was representing 29 people on the proposed ordinance. He said Vice Chairman Ikerd said the advertisement in the newspaper was inaccurate in that one is not required to hook-up to the water extension. He said actually that is what the ordinance does it requires you to hook-up to the water extension unless you already have a residence and you already have a well at your residence. He said you are required to hook-up to municipal water if it is new construction. He said his clients are interested in free choice. The enabling statute which Mr. Palmer mentioned uses the word may, it does not say shall. They wish for the ordinance to provide, among other things, that a person may hook-up to the extension as oppose to shall. He said some discussion was made that new construction only is required to hook-up. He said the ordinance also provides that as to non residential owners if a water services is available no new well permits will be issued. If your well goes dry and you have a business in the county and you are adjacent to the water supply then you do not get to have a new well, it only deals with residences. He said the statement that it only applies to new construction is an inaccurate statement, it also applies to non residential uses. He thinks the important thing is people should have a choice and that is what he thinks the enabling statute requires or permits. He said the editorial in the newspaper said, "we haven't seen anything in the policy that prohibits a property owner from drilling a well after they connect to the waterline and doing that would allow a home owner to use well or municipal water at the twist of a valve." Attorney Ferrell said as he reads the ordinance that is not an available option and that is what they are asking for as the editorial indicates they should. He said it cost between \$600,000 to \$700,000 to buy well drilling pieces of equipment and the people who are in the well drilling business will ultimately loose this investment if the free choice is not made available to every person.

Vice Chairman Ikerd said the article said, "a public discussion of an ordinance which deny private well permits and will require well users to hook-up to public water." He said the article is incorrect the way it is stated.

Attorney Ferrell said the issue is free choice and that is what they rest on.

Attorney Eades said free choice is what they are arguing about. He said if you look at the North Carolina General Assembly passing statutes, it provides that Catawba County and other counties in North Carolina may choose to conduct building inspections and if they don't do it there has to be some other provisions in place for providing inspections. Catawba County chose to do that and those statutes go on to say that if we chose to do it one of the obligations we have is to accept the control of the installation of such facilities as permitting assistance. He said that is in the statute authorizing us to do this, and in 1970 Catawba County by ordinance chose to enforce the North Carolina state building code that is in effect. We are doing what we have been authorized to do by the state and we chose 30 years ago to do that and have come without fail since then and we are doing it now in a new area to do what we are authorized to do.

Vice Chairman Ikerd asked Attorney Eades if we chose not to do this then the state can authorize other sources to do this?

Attorney Eades said Mr. Ikerd asked that if Catawba County chose not to inspect this component of the building code would the state impose some other inspection routine on it. Attorney Eades said he thinks the answer is not that we have already made routine on it. He said he thinks the answer to that is no, we have already made the decision that as a county we are going to opt to enforce the building code. If years and years ago we had chosen not to do that then we would have had to partner with another municipality or another county to enforce the building code or if we just simply refused to do any of that then the statutes provides that the state department of insurance can provide for building inspections to be performed in that county. He said we are clearly authorized by the statutes.

Ms. D. Graska, 4140 Rugged Hill Road, Maiden asked in laymen terms was she forfeiting her choice as she had a five-year old well in a private road if the water line should come through would she be told her well is contaminated and she would then have to hook-up to public service?

Mr. Edwards said if she had a contaminated well she would have the ability to get a new well permit from the health department. Ms. Graska said she may be forced to hook-on to public water if the well water didn't pass health regulations. Mr. Edwards said as far as the ordinance she could drill another well.

Vice Chairman Ikerd asked Tom Spurling from the Health Department if he would go inspect a well to see if it were contaminated unless he were asked to?

Mr. Spurling said if contacted about possible contamination or order they will consult with the person and do water sample testing to try to determine if contaminated, and would determine what the contamination source is, and would also try to determine how to fix it. They will not inspect a well unless requested to do so.

Vice Chairman Ikerd said it would be the citizens choice to hook-up to public water or drill another well.

Commissioner Hunsucker asked if the location of the tank determines whether or not they could build another well?

Mr. Edwards said yes, the building code is specific about where jurisdiction starts with the building inspector. He said if an individual comes in for a replacement well permit in most cases it doesn't move from the health department to the building inspection department unless the plumber or individual comes in and advises that they are putting in lines from the tank to the house. Mr. Edwards said with the one stop permitting they are better able to track. The well permits started in 1998. He said there is a specific place where they start the inspection based on the code which is at the supply tank.

Bradley Scronce, 4084 Startown Road, said he still uses the same well that was drilled some 50 years ago and it is fine. He said he has been employed by the City of Hickory Fire Department for 18 years

and knows that in some areas of the county there is not an adequate water supply to fight fires. He thinks people should have the choice of whether to have drinking water from a well or from water supplied from the county. He said there would be a benefit of fire suppression (water supply) if waterlines are extended into the county.

Greg, Huffman, 2211 – 6th Street, NE, Hickory asked if a property owner was building new construction and there was a waterline adjacent to their property, are they going to bear the cost of running the waterline from the tap to their residence?

Mr. Edwards said our formulas are related to the distance from the waterline from which they would have to extend starting at 250 feet for 2-9 dwelling units, and the same could and would apply, based on the Board's decision, to an individual that is 250 feet away from the waterline. Mr. Edwards said there are wells that are a good distance from the homes also and the same issue could apply to a well.

Stanley Setzer, 4572 East NC 10, said, "The issue has come down to Mr. Edwards keeping it back on the General Assembly by saying we have to do this because it is the building code. So Mr. Edwards put it on the Board, you either violate the constitution of the United States which gives us the freedom of choice and the people and the violation of enterprise or you go on and violate the General Assembly, it is up to you all."

Attorney Eades asked to make a comment in regards to the point that Greg Huffman made about homeowners who live very far off the property. The way that the building code is written it provides that even though you are required to hook-on, if you are new construction you are required to hook-on if public water is available, it also has a clause in there that provides that you are required to do that only where doing so is feasible. He said it is the intention of Catawba County to take into account situations such as someone who lives on 20 acres and they are 1,500 feet off the road as to whether that is feasible or not. There is some lead way for the County to consider situations such as that when they occur.

Mr. Huffman asked Mr. Eades who determines that feasibility?

Attorney Eades said he thinks the landowner does.

Vice Chairman Ikerd said any ordinance that is written can be changed, critiqued, or adjusted during the process of the ordinance.

David Walker, 1303 Pear Drive, Conover, said he has incurred the expenses when he constructed a new house in 1995. He said he applied for a building permit and was not made aware that he would be required to hook-up to the municipal water supply. He said during every phase of construction the inspectors were aware he had a well until his final inspection. The City of Conover said they had a water supply in front of his house and he could not pass final building inspection until he hooked-up to the public water supply. He was held up over two weeks during Christmas of 1995 and had to spent over \$1,500 to hook-up to the public water supply after he already had a well drill to supply his geothermal heat which was adequate to supply his drinking water also. He said he had installed a geothermal well system as recommended by Duke Power as the most energy efficient heating and cooling system. He said he has owned a business for 22 years related to the well drilling business and he is also a landowner. He said after he hooked up he had the water tested and the water in his well is cleaner and purer than the water he has to buy from the City of Conover every month. He said the County waived the fee because they made a mistake because the statute does not say you shall hook-up, it says you may be required to hook-up. He said the City of Conover would not waive the fee and he had to hook-up to municipal water.

Vice Chairman Ikerd asked if there were others who wished to speak either for or against.

There being no one else wishing to speak, Mr. Ikerd closed the public hearing.

Commissioner Barnes said the Board has made efforts to listen to the people today as well as sessions with well drillers and public health. She said issues placed upon them are the fact that we are a growing community and that there does need to be some balance of provision of services as well as a balance with the rights of the individuals. She thinks the Board has done a good job of trying to balance what is for public good and good for the individual. She said those issues clash and that is

part of democracy. She said what one person views as fair another person does not share that view. She feels the Board has worked very diligently to come up with a good compromise. She said it doesn't suit everyone but it certainly does tries to help those that need the public water that are unable to have a good well and to provide a good amount of choice. It is an impossibility that within the unincorporated areas that they will be able to have extension of water lines in any immediate term and she sees the future of well drilling to continue to be a good enterprise in Catawba County.

Commissioner Hunsucker said he had received a lot of calls and it calmed the citizens fears when they found out they would have some choice in the matter. He said the Board came up with the best compromise it could and a lot of things come from the state level that we do not like to live by. He said if anyone had a problem with the County to call him and he would work with them.

Commissioner Beatty said this ordinance was developed because of citizen complaint. She said staff worked with various stakeholders to develop a policy and there have been changes and compromises in the policy and it does offer choices. She said she purchases bottled drinking water every day and would love to have a good well or waterlines by her home to connect to.

Vice Chairman Ikerd said the Board will vote for or against the proposed policy and a second vote would be required at the next meeting because Chair Huffman is absent and it requires a full board to approve or disapprove an ordinance.

BE IT ORDAINED BY THE CATAWBA COUNTY BOARD OF COMMISSIONERS that the following ordinance is added to the Catawba County Code of Ordinances:

Catawba County Water Extension Ordinance

504.01 Legislative Authority

This Chapter is enacted pursuant to N.C.G.S. 153A-121 through 124 and 153A-284.

504.02 Purpose and Applicability

The objective of the Catawba County Water Extension Ordinance is to set regulations for the extension of water service in unincorporated areas of Catawba County and applies to all County owned revenue sharing and revolving loan program lines located outside municipal limits. Catawba County will extend water infrastructure according to the following terms and conditions.

504.03 Definitions

Agricultural/Horticultural Well. A system for providing potable well water; groundwater, for the purposes of agriculture and residential, commercial, or industrial lawn care.

Availability Charge. A municipal fee for water infrastructure maintenance.

Capital fee. A one-time fee collected by Catawba County for connection to the water system.

Customer charge. A fee for servicing customer accounts.

Eligible refund. That portion of the project cost qualified for reimbursement to the petitioner in accordance with the provisions of this policy.

Engineering Fee. Fees for engineering review and project observation for residential and commercial subdivision and development set in accordance with a schedule adopted by the County Commissioners.

Extension. Any water line segment which is necessary to connect water service to an existing water line.

Extension Permit. Permit issued by Catawba County and, where applicable, a Municipality, to allow and regulate the extension of water infrastructure.

Geothermal Well. A well used to provide water to a system which employs groundwater for the sole purpose of cooling and heating a structure.

Immediate family members. Direct lineal family members including children, grandchildren, great grandchildren, father, mother, grandmother, grandfather and respective spouses.

Major Subdivision. As defined in the Catawba County Subdivision Ordinance.

Minor Subdivision. As defined in the Catawba County Subdivision Ordinance.

Non-residential. Commercial, industrial, institutional, or agricultural land use.

Petitioner – Person or company applying for a waterline extension or well permit.

Potable Well. Groundwater which does not contain foreign materials exceeding the groundwater quality standards specified in the North Carolina Administrative Code.

Private Well Water Supply. Any water supply furnishing potable water to no more than two (2) residences or one (1) in-home business. In the case of immediate family members, three (3) connections may be permitted as a private well water supply.

Public Well System. A system for the provision to the public of piped water for human consumption if the system serves 15 or more service connections or regularly serves 25 or more individuals. The term includes (1) any collection, treatment, storage, and distribution facility under control of the operator of such system and used primarily in connection with such system; and (2) any collection of pre-treatment storage facility not under the control of the operator of the system which is used primarily in connection with such system.

Revenue Sharing Line. A water line owned and constructed by the County in agreement with a Municipality as specified in Catawba County Code Section 504.10-15.

Revolving Loan Line. A water line outside any incorporated areas, constructed through the County program, offering low interest loans to fund extensions of utility services within Catawba County as specified in Catawba County Code Section 504.25-31.

Semi-Public Well System. A water supply that provides water for the purpose of human consumption for three to fourteen (3-14) service connections and less than 25 people that does not meet the definitions for a public water system.

User Fee. A municipal fee for water consumption that incorporates infrastructure maintenance and the cost to produce potable water.

Volume charge. A municipal fee for water consumption.

Water improvements. Any improvement made to existing water infrastructure.

Water infrastructure. Any plant, storage facility, line, meter or related materials and equipment for the delivery of safe drinking water to consumers.

Water line. A pipe which transmits water to users and connects to individual water meters.

Water main. Any water line serving an area, sized and located so that additional service connections, beyond the limits of any associated development, can be made without lowering the level of service.

Water tap fee. A municipal fee for connecting water service to a water main or water line.

504.04 Water Extension

A. Requirements for Water Connection

- 1) Existing property owners with a residential dwelling, and existing non-residential property owners with a business establishment, will not be required to connect to water infrastructures provided: (1) they are connected to a properly functioning public or semi-public potable well infrastructure; (2) they are connected to a private well water supply; or (3) they qualify for a permit from the County Environmental Health Department to construct an approved replacement well. Those not meeting these conditions will be required to connect to water infrastructure, where available, within thirty (30) days after notice from the County Environmental Health Department. Availability will be determined based on Table One for residential, or Table Two for non-

residential.

2) All new residential development, including major and minor subdivisions, will connect to water infrastructure where available. All major and minor subdivisions will connect prior to final plat approval, however, pursuant to and as provided by the Subdivision Ordinance, a performance guarantee may be posted in lieu of completion of all or part of required improvements prior to final plat approval. Where no such performance bond is posted, all connections must be made before a permit will be issued. All connections will be made at no expense to the County. Availability will be determined based on Table One.

Table One

| Number of proposed dwelling units | Distance from nearest property line as determined by the County Engineer |
|-----------------------------------|--|
| 1 Dwelling unit | Abutting the property and/or right-of-way |
| 2-9 Dwelling units | 250 Feet |
| 10-25 Dwelling units | 1,000 Feet |
| 26-50 Dwelling units | 2,000 Feet |
| 51-75 Dwelling units | 3,000 Feet |
| 76-100 Dwelling units | 4,000 Feet |
| 101-200 Dwelling units | 5,280 Ft. (1 mile) |
| 201-300 Dwelling units | 15,840 Ft. (3 miles) |
| 301+Dwelling units | Must extend water infrastructure |

3) All new non-residential development will connect to water infrastructure where available. Availability will be determined based on Table Two. Daily flow for non-residential development will be determined based on NCDENR, Laws and Rules for Sewage Treatment, and Disposal Systems, Section 15A NCAC 18A .1900 (the requirements of the NCDENR Laws and Rules for Sewage Treatment, and Disposal Systems may be obtained from the Catawba County Environmental Health Department). Daily flow for establishments not identified will be determined using available flow data, water-using fixtures, occupancy or operation patterns, and other measured data. All connections will be made at no expense to the County.

Table Two

| Average water consumption based on NC DENR Administrative Code Section 15A NCAC 18A.1900 | Distance from nearest property line As determined by the County Engineer |
|--|--|
| 130-259 gal/day | 200 Feet |
| 260-1,299 gal/day | 500 Feet |
| 1,300-3,379 gal/day | 2,000 Feet |
| 3,380-6,629 gal/day | 3,000 Feet |
| 6,630-9,999 gal/day | 4,000 Feet |
| 10,000+ gal/day | Must extend water infrastructure |

4) Where feasible, one meter will be required per each customer or water user.

B. Connection to County Owned Water Infrastructure

If connection to County owned water infrastructure is required under Section One, the following guidelines apply.

1) County Fees for Connection

All fees shall be paid to and collected by the appropriate entity prior to connection.

- a) *Capital Fees* will be collected from those users who connect to County owned infrastructure. A building permit for new construction will not be issued until all Capital Fees are paid. In all other situations the Capital Fee must be paid before connection occurs. Fees will be set in accordance with a schedule adopted by the County Commissioners.
- b) *Engineering Fees.* The County, along with the applicable Municipality, will review residential and commercial subdivision and development construction plans and specifications and perform intermittent observations during initial construction, testing, and final construction phases of utility service. Neither the County's nor the Municipality's observation relieves the petitioner from any responsibilities listed in this policy. Fees for engineering review and project observation will be set in accordance with a schedule adopted by the County Commissioners.

2) Municipal Fees for Connection

Municipal Fees are those fees charged by the Municipality for connecting services, including the installation of water meter, to cover costs for maintaining a water system to serve the demands of the customers and to cover the cost of water produced or purchased, to be consumed by users. Fees will be in accordance with a schedule adopted by the Municipality but shall not exceed 200% of the fees charged to customers located within the corporate limits of the Municipality for similar services.

3) Extension of County Owned Water Infrastructure

Catawba County retains complete discretion in deciding which of the following options is most appropriate.

- a) By written request, submitted to the County Utilities and Engineering Department and the applicable municipality, any property developer, owner, or group of property owners may petition the County for an extension of water service at the expense of the developer, owner, or group of property owners, under the conditions set forth in this ordinance.
- b) The Catawba County Board of Commissioners may authorize the extension of water infrastructure upon its own initiative.

4) Options in Considering Petitions for County Owned Water Line Extension

- a) The County may require the petitioner, at the sole expense of the petitioner, to install the extension to meet all County requirements, and to dedicate the improvements to the County, with eligibility for reimbursement of all or some portion of the cost for that portion of the extension, contingent on the County's collection of capital fees from property owners who connect to that portion of the infrastructure. Reimbursement will not apply to extensions within, or adjacent to, the petitioner's property. The County may reimburse the petitioner for each capital fee collected for connection to the petitioner financed water infrastructure at the rate of 50% of each capital fee. However, the period of reimbursement will not exceed three (3) years from the date the improvements are dedicated to the County. Reimbursement shall never exceed the petitioner's costs for the extension. The petitioner will be reimbursed only for single service connections along the petitioner financed line. The petitioner may not be reimbursed capital fees paid for connections within petitioner's property or for extensions off the petitioner financed line.
- b) If the petitioner's request falls within the first three years of the Water Master Plan, the County

may jointly finance and construct the extensions in cooperation with the petitioner initiating the request with eligibility for reimbursement of all or some portion of the cost for such extension, contingent on the County's collection of capital fees from property owners who connect to that portion of the infrastructure. Reimbursement will not apply to extensions within, or adjacent to, the petitioner's property. The County may reimburse the petitioner for each capital fee collected for connection to the petitioner financed water infrastructure at the rate of 50% of each capital fee. However, the period of reimbursement will not exceed three (3) years from the date the improvements are dedicated to the County. Reimbursement shall never exceed the petitioner's costs for the extension. The petitioner will be reimbursed only for single service connections along the petitioner financed line. The petitioner may not be reimbursed capital fees paid for connections within their property or for extensions off the petitioner financed line.

- c) The County may deny the requested water infrastructure extension.

5) Water Application Requirements

All petitioners desiring to construct water improvements and to connect to the water infrastructure of the County will make application in writing to the County and the applicable Municipality. The application must specify the following:

- a) The name, address and telephone number of the petitioner(s);
- b) The location of the property (including PIN numbers and street name if known) and geographic alignment for which the connection is desired;
- c) The total number of residential units, commercial establishments or industrial water infrastructure to be served at completed build out, with a description (including square footage, and type of business) of each;
- d) The size of the water services and water infrastructure proposed;
- e) The schedule by which the petitioner plans to construct and/or install the extension(s);
- f) The method by which the petitioner will pay for the infrastructure including evidence of all necessary permits, easements, rights-of-way, encroachments or other approvals;
- g) The estimated cost of the proposed improvements;
- h) The estimated water use in gallons per day and peak gallons per hour;
- i) If commercial, industrial or institutional development, the number of new jobs to be created by the proposed improvements;
- j) The identity and qualifications of the engineers and contractors the petitioner proposes to employ to perform the necessary construction and installation.

6) Supplemental Information Required with a Water Application

- a) The application must be accompanied by a plat and plans showing the proposed extensions in relation to all properties to be bypassed or served.
- b) The petitioner must employ, at its expense, a licensed engineer, registered in the State of North Carolina, to prepare plans for the proposed water extensions or improvements. The County will provide any standard specifications which are available and/or necessary to prepare the construction documents.
- c) Three (3) sets of completed plans and specifications, with the engineer's seal affixed, must be submitted to the County for review and approval prior to submittal to any other agency. Approval of plans and specifications by the County does not release the petitioner from obtaining any and all approvals and permits necessary for the construction of water infrastructure.

7) Responsibilities After Project Receives Preliminary and Final Approval

- a) Following County preliminary approval, the petitioner must submit related construction documents to the appropriate State agencies for their approval. The petitioner must submit written documentation of the required State approvals prior to the commencement of construction.
- b) Prior to construction, the petitioner must present evidence that it has obtained any and all necessary governmental approvals of the project plans and construction documents.
- c) If the project is approved, the County and the Municipality will issue an extension permit. The petitioner will have two (2) years from the issuance of this permit to complete the project. Should the project not be completed within this time period, the petitioner may apply for an extension of the permit for up to two years. The extension application must be in writing and be submitted, not less than ten (10) days prior to the date of expiration of the permit. Applications for extensions may be approved by the County Engineer if he/she determines the project is substantially progressing toward completion. The cumulative time period for project completion shall not exceed a total period of six (6) years from the date of permit issuance.
- d) The petitioner must agree to indemnify and hold harmless the County and the Municipality from any and all loss, cost, damages, expense and liability (including attorney's fees) caused by accident or occurrence causing bodily injury or property damage arising from the installation of such water infrastructure by the petitioner or by other parties retained or employed by the petitioner.

8) Construction Standards

All water extensions must be designed and constructed in conformance with State of North Carolina's requirements and be approved by both the County's Engineer and the Municipality's engineer, or their Consulting Engineer when applicable. The petitioner's engineer, with approval from the County's Engineer and the Municipality's engineer, must verify that adequate water pressure or hydraulic conditions exist, or can be attained, and that the projected extension would not unduly tax the Municipality's available water supply before any water infrastructure may be extended. The following standards must be observed in addition to those referenced at the beginning of this section.

- a) The engineering design must be in a digital format approved by the County Utilities and Engineering Department.
- b) The minimum distance for any extension of a water main will be determined by the County. In general, the minimum distance will be across the entire length or width of all properties being developed in order to provide access to adjoining parcels of land, wherever feasible.
- c) The minimum size water line will be six (6) inches for residential areas, unless otherwise specified by the County. The minimum water line size for all non-residential areas will be eight (8) inches unless otherwise specified by the County.
- d) The County, along with the Municipality, will inspect the water infrastructure and appurtenances during and after construction. The water infrastructure must be built in accordance with the approved plans and specifications before they are placed in service. If any part of the infrastructure fails an inspection, no further building permits will be issued, and no approvals related to the project will be granted, until corrections are made to the County's satisfaction.
- e) Lines will be located within already dedicated public rights-of-way or easements must be provided. When required, the petitioner and/or present and future property owners must grant to the County such utility easements as the County may require. Petitioner will be responsible for obtaining any necessary easements from property owners. Petitioners may do so by entering into a contract with County to obtain required easements at no cost to the County, with the County's approval. The permanent rights-of-way or easements must be a minimum of twenty-five (25) feet in width in all cases. The County may require wider easements on major

trunk lines. Combined temporary construction and permanent easements must be a minimum of forty (40) feet in width. Within these boundaries the County, or its representatives, will have the right to operate, maintain, inspect, repair and replace such water infrastructure.

- f) Upon completion of the final inspection of the project, the petitioner will provide as-built drawings certified by registered engineer, a digital copy of as-built drawings in a format approved by the County Utilities and Engineering Department, and technical literature for any equipment deeded to the County. Operation and maintenance manuals will be required for any and all mechanical devices required for the operation of the infrastructure. All warranties and guarantees for such equipment must be transferred or assigned to the County.
- g) All facility extensions, installed under the provisions of this document, will become the sole property of the County and be under its jurisdiction and control for any and all purposes, as soon as such water infrastructure are connected to the County infrastructure.
- h) If a proposed extension will connect to an existing line, which in the opinion of the County Utilities and Engineering Department will then require rehabilitation or replacement with larger diameter pipe to provide adequate capacity, the petitioner may be responsible for all or part of the rehabilitation or replacement costs, as determined by the County Utilities and Engineering Department.

The County may elect to increase the size of certain lines or water infrastructure which are constructed by the petitioner. In such instances, the County will be responsible for the difference in the cost of the larger line(s) or water infrastructure. However, if the County determines that water lines larger in size than the required minimums are necessary to serve the petitioner's property alone, the petitioner must install the larger lines at the petitioner's sole expense. In the event of multiple petitioners, each petitioner will share in the costs of the extension based on percentage of capacity required as determined by the number of dwelling units in all phases of each project.

9) Financial Expectations When Extending County Owned Water Infrastructure

- a) The complete cost of water infrastructure required within private developments, including all connections, taps, fire hydrants, loops necessary for fire protection and service to all lots within the property, or other water infrastructure or equipment required in connection to the County's water infrastructure, will be paid by the petitioner. Petitioners requesting service will pay all appropriate fees in accordance with this policy.
- b) Petitioners will be required to pay the cost of necessary extensions from existing County water infrastructure.
- c) Installation of water extensions will be accomplished by the petitioner through employment of private licensed contractors acceptable to, and approved by, the County and the Municipality except where, at the discretion of the County, the scope and scheduling of the work indicate that the proposed extension should be made by the County. In this event, the developer will advance to the County the full estimated cost of construction, including administrative costs, prior to commencement of any work. Prior to receipt of such funds, a written contract must be entered into between the County and the developer, which will govern the use of such funds. If the developer so chooses, one third of the full estimated cost of construction can be made after a written contract has been signed by the developer and the County, with the balance due within 90 days, provided a performance bond has been secured by the developer and submitted to the County. Following completion of the work by the County, any funds advanced in excess of the final costs will be refunded to the petitioner.
- d) The County may, at its sole discretion, agree to reimburse the petitioner's costs of extensions outside private development, in whole or in part. Those petitioners who finance extensions of water infrastructure, with eligibility for reimbursement of costs conferred, must enter into an agreement with the County to construct the extensions in accordance with County and Municipality specifications and to dedicate the water infrastructure to the County without reservation, in accordance with the policies established within this policy. The agreement must be signed prior to the commencement of any construction.

- e) The County may elect, at its sole discretion, to participate in funding water extensions under any of the following conditions:
 - i) Availability of funds. Approval of any extension(s) involving financial participation by the Board will always be based on the Board's determination that funds are available for such extension(s).
 - ii) Priority economic development projects. The Board may elect to provide timely water service for significant economic development projects.
 - iii) Endangerment of public health. The Board may determine that significant public health risks can be eliminated or avoided by participating in extensions.
 - iv) Planned utility improvements. The Board may determine that certain improvements are strategic to the development of the County's water program and finance these improvements as necessary.

Even if one, or more, of the above conditions exist, the Board of Commissioners is not obligated in any way to participate in funding a water project.

10) Post Construction Requirements

Prior to receipt of water service the following requirements must be met.

- a) Upon completion of construction, the project engineer must submit, to the County Utilities and Engineering Department, certification that the project was completed in accordance with the previously approved plans and specifications.
- b) The petitioner must warranty the water infrastructure to be free of defects in materials and workmanship and to be properly functioning in all respects for a period of one (1) calendar year from the date of acceptance by the County. The date of acceptance will be the date upon which the County records evidence transferring ownership to the County.
- c) During the year of warranty, the petitioner will correct, or have corrected, any defects that may develop in material, equipment, or workmanship. In the event that the petitioner neglects to correct defects to the County's satisfaction, the County will have the right to declare all or any of the rights of the petitioner under the contract forfeited, and to remove and/or disconnect any connections that might have been made to the County's water infrastructure, or the County may elect to make the necessary repairs and seek a lien on the petitioner's property, both real and personal.
- d) As-built drawings must be provided to the County, in a format approved by the County Utilities and Engineering Department, prior to conveyance of the improvements to the County by the petitioner.
- e) Upon completion of the water infrastructure, and connection to the County's water infrastructure, the water lines, fire hydrants, valves or other water infrastructure or equipment required to connect to the County's water infrastructure, will become the exclusive property of the County and under the sole and exclusive control of the County, to be operated and maintained by the Municipality.

11) Permitting for Groundwater Wells

- a) Agricultural, horticultural, and geothermal wells shall be allowed. Petitioner must obtain a permit from Catawba County Environmental Health Department and, where applicable, obtain a permit from Catawba County Building Inspections Department. Inspections shall be made prior to the issuance of certificate of occupancy or electrical service approval.
- b) Residential property owners with an existing dwelling located on the same property are allowed to install a replacement well where feasible. A permit is required from the Catawba County Environmental Health Department.

- c) Unless the well is included in Section Three, Number One above, there will be no new well permits issued for existing non-residential property owners if water service is available as determined in Section Two, Table One.

12) Penalty for Violation

A person or entity who is found in violation of this ordinance shall be subject to a civil penalty of not more than \$50.00 per day. Each day's violation shall be treated as a separate offense.

13) Revenue Sharing Lines

The County owns revenue sharing lines. Revenues from capital fees shall be the sole property of Catawba County. The distribution and rate of customer charges, availability charges, and volume charges shall be determined by contract between the County and the Municipality not in conflict with this ordinance as specified in Catawba County Code Section 504.10-15.

14) Revolving Loan Lines

Revenues from capital fees shall be the sole property of Catawba County. The distribution and rate of customer charges, availability charges, and volume charges shall be determined by contract between the County and the Municipality not in conflict with this ordinance as specified in Catawba County Code Section 504.25-31.

Water
Capital Fee Schedule for Residential Water Meters

| Connection Size | Capital Fee per Meter |
|-----------------|-----------------------|
| Residential | \$1,000 |

Capital Fee Schedule for Commercial and Industrial Water Meters

| Connection Size | Capital Fee per Meter |
|----------------------|-----------------------|
| ¾" connection/tap | \$1,000 |
| 1" connection/tap | \$1,500 |
| 1 ½ " connection/tap | \$2,000 |
| 2" connection/tap | \$3,000 |
| 3" connection/tap | \$4,500 |
| 4" connection/tap | \$6,000 |
| 6" connection/tap | \$9,000 |
| 8" connection/tap | \$15,000 |
| 10" connection/tap | \$25,000 |
| 12" connection/tap | \$40,000 |

Prior to and at the time of utility construction, the County may offer a one-time discount of fifty percent of the capital fee.

Other Fee Charges
Water

| | |
|--|--|
| Residential and Commercial Subdivision and Development Engineering Fee | \$250 per 100 lots or units or any part thereof. 0 - 100 lots or units \$250. 101 – 200 lots or units \$500. 201 – 300 lots or units \$750. |
|--|--|

Engineering Fee will continue at a rate of \$250 per 100 lots or units.

This 5th day of November, 2001.

/s/ W. Steve Ikerd, Vice Chair
Catawba County Board of Commissioners

Commissioner Barnes made a motion to adopt the Catawba County Water Extension Ordinance with the effective date being November 20, 2001. The motion carried unanimously.

Vice Chairman Ikerd said the motion carried 4-0 and a second reading will be held at the November 19, 2001 meeting.

Vice Chairman Ikerd at 11:25 a.m. called for a 10 minute break.

At 11:35 a.m. Vice Chairman Ikerd called the meeting back to order.

7. Special guests not listed on agenda. None.

8. Appointments:

Vice Chairman Ikerd said Chair Marie Huffman recommended appointments to the Region E Development Corporation: Ronald H. Lindler for a sixth, three year term, and David L. Phillips, Jr. for a third, three year term. Thomas N. Carr, Assistant City Manager, City of Hickory was appointed for a three-year term as an Economic Development representative. Terms will expire September 30, 2004.

Commissioner Barnes recommended reappointments to the Claremont Planning Board and Board of Adjustment: Reappointment of Franklin R. Harris for a first, three year term, and Robert E. Smith for a fifth, three year term. Terms will expire November 1, 2004.

Commissioner Barnes recommended the appointment Mary Jo Williams to the WPCOG Aging Advisory Committee for a two-year term which will expire June 30, 2003. This will be considered as a full term.

Commissioner Beatty made a motion to approve the aforementioned appointments. The motion carried unanimously.

9. Consent agenda:

The following items were grouped as the Consent Agenda and was presented by County Manager J. Thomas Lundy. No member of the Board asked for separate consideration.

a. Disposal of Surplus Property - Private Sale.

On September 13, 2001, a fire destroyed a 1994 Caterpillar 826C Trash Compactor. Damage sustained to the 826C was extensive and repairing or rebuilding is not a feasible option. However, this machine does have some value in the scrap market. The estimated value is \$8,000 - \$10,000. General Statutes permit the private sale of personal property valued at less than \$30,000. The process begins with the adoption of a resolution by the Board. Once the resolution is adopted, a notice must be published at least once and there is a 10-day waiting period before the sale can be completed. The private sale method will give more flexibility in the disposal process than sealed or upset bid. Staff will publish a legal advertisement; send notices to prospective bidders, and list equipment on the Internet. The Finance and Personnel Subcommittee recommends that the Board of

Commissioners declare the 1994 Caterpillar 826C Trash Compactor as surplus property and authorize the Purchasing Agent to sell by private negotiation.

**Resolution No. 2001-277
Disposal of Surplus Property**

WHEREAS, the Catawba County Board of Commissioners hereby declares the following item as surplus property:

1994 Caterpillar 826C Trash Compactor

WHEREAS, it is the intent of the County to sell said property under the private sale procedure authorized in General Statute 160A-267;

WHEREAS, the property shall be sold individually to the highest bidder for each item;

NOW, THEREFORE, BE IT RESOLVED, that the Purchasing Agent has the authority to conduct the sale and to execute any necessary documents on behalf of Catawba County.

This the 5th day of November, 2001.

/s/ W. Steve Ikerd, Vice Chairman
Catawba County Board of Commissioners

b. Resolution for Disposal of Surplus Property.

Pursuant to General Statute, county governments are permitted to declare items no longer useful to the governing body as surplus and sell at public auction. Request for Proposals were requested for auctioneering services and Yount/Raybon and Associates was the only response at a fee of 7 percent.

**Resolution No. 2001-278
Declaration of Surplus Property and
Authorization of Sale by Public Auction**

WHEREAS, Catawba County has the authority to declare property no longer needed as surplus and dispose of it according to the precepts of NCGS 160A-270; and

WHEREAS, the following property is no longer needed for any governmental use by Catawba County:

(1) 1991 Ford Crown Victoria; (2) 1991 Chevrolet C3500 Trucks; (2) Chevrolet Caprice; (1) 1993 Chevrolet S-10 Blazer; (2) 1994 Chevrolet 1994 Chevrolet Caprice; (1) 1996 Ford Crown Victoria; (2) 1997 Ford Crown Victoria; (1) 1993 Dodge B350 Van; (1) Chevrolet G10 Van; (1) 1986 Mazda Truck; (1) 1987 Chevrolet Van; (1) 1995 Dodge Maxivan; (1) 1996 Dodge Maxivan; Double Wide Mobile Home; desks; light fixtures; chairs, book shelf; file cabinets; computer equipment and other miscellaneous items.

WHEREAS, it is the intent of the County to sell said items at public auction, at 10:00 a.m., Saturday, December 8, 2001, behind the Government Center located at 100A South West Boulevard, Newton, NC; and

WHEREAS, notice of this resolution will be duly advertised 30-days prior to sale; and

WHEREAS, all items to be sold as is, all sales final, cash or approved check only.

NOW, THEREFORE, BE IT RESOLVED, that the Catawba County Board of Commissioners hereby declares said property as surplus and authorizes the Purchasing Agent to sell said property at public auction to the highest bidder on Saturday, December 8, 2001.

This the 5th day of November, 2001.

/s/ W. Steve Ikerd, Vice Chairman
Catawba County Board of Commissioners

c. Fund Request Balance from Catawba Fire Department.

Catawba Fire Department sent a letter to the Fire Marshal requesting \$100,000 from their fund balance be released to purchase a new pumper/tanker for the rural fire district to replace a 1975 pumper. The Insurance Service Office (ISO) recommends that fire apparatus be replaced every twenty years. The fire department has been saving funds over the past several years by holding the fund balance as a savings account to purchase a new fire-fighting unit for the rural fire district. The estimated cost of the new unit will be between \$280,000 and \$300,000. In the letter from Donald Robinson, Fire Chief of Catawba Fire Department, requesting their fund balance, they did not request fund balance for the 2001-2002 budget year because they thought the funds would not be needed until the 2002-2003 budget year when the truck would be delivered. According to the Catawba Town Administrator, the city has to have the funds as a line item in the budget before the contract can be signed to build the truck. Bids were opened on October 1, 2001 and can be held for 90 days. The Finance and Personnel Subcommittee recommends that the Board of Commissioners approve \$100,000 of the Catawba Rural Fire District fund balance be released for the purposes stated above. As of June 30, 2001, their fund balance was \$114,972. In the past the County has held back 10 percent of the available balance in case of unforeseen emergencies. Therefore, \$103,475 is the available amount after deducting the 10 percent.

| | |
|----------------------|-----------|
| 361-260010-690100 | \$100,000 |
| Fund Balance Applied | |

| | |
|---------------------------|-----------|
| 361-260010-849010 | \$100,000 |
| Fire Protection (Catawba) | |

d. Signed Agreement with Newton-Conover Board of Education. (Copy of agreement on file in the Facilities Director's Office.)

On September 11, 2000, the Board of Commissioners approved an agreement with the Newton-Conover Board of Education for the purchase of a 30.85-acre site for a future elementary school and the allocation of funds for this purchase. The Board has received the signed agreement with only minor technical changes and no substantive changes.

e. Request to use 1924 Courthouse Grounds.

Ms. Anne Stedman, Chair of the City of Newton Festival and Events Committee, has requested the use of the 1924 Courthouse Grounds for an event on Sunday, November 25, 2001, 6:30 - 8:00 p.m. for the annual Christmas Tree Lighting Ceremony.

Commissioner Beatty made a motion to approve the Consent Agenda. The motion carried unanimously.

End Consent Agenda

10. Departmental Reports:

a. Utilities and Engineering:

1. Southeastern Catawba County Interconnect Water Line Bid.

Presenter Barry B. Edwards, P. E., Utilities & Engineering Director said with the execution of the Agreement between Catawba County and the City of Newton for water service to southeastern Catawba County, the interconnect was rerouted from Little Road onto Keisler Dairy Road and Boggs Road. Award of the contract for the Keisler Dairy Road portion of the interconnect was approved by the Board on September 17, 2001. The Southeastern Catawba County Interconnect is the final section of waterline to complete the interconnect as shown on the attached map. Bids were taken on October 11, 2001. A total of (3) bids were received, ranging from \$257,604.25 to \$266,780. Ronny Turner Construction Co., Inc. of Hickory, North Carolina is the lowest responsive, responsible bidder with a total bid of \$257,604.25. The Southeastern Interconnect waterline consists of approximately 9,800 linear feet of 12-inch water line and appurtenances, along Boggs Road and Highway 10. This project includes a master meter to separate the Conover and Hickory revenue sharing lines. He said the Public Works Subcommittee recommends the Board of Commissioners award the Southeastern Catawba County Interconnect waterline project to Ronny Turner Construction Co., Inc. of

November 5, 2001, MB#48

Hickory, North Carolina in the amount of \$257,605 and appropriate funds from Unspecified Water and Sewer Projects Fund for the construction.

| | |
|------------------------------------|-----------|
| Transfer From | |
| 415-431100-861500-20001 | \$257,605 |
| Unspecified Water & Sewer Projects | |
| To | |
| 415-431100-861500-26007 | \$257,605 |
| SECC Interconnect Waterline | |

paste bid

Commissioner Hunsucker made a motion to award the bid for the Southeastern Catawba County Interconnect waterline project to Ronny Turner Construction Co., Inc. of Hickory, North Carolina in the amount of \$257,605 and appropriate funds from Unspecified Water and Sewer Projects Fund for the construction. The motion carried unanimously.

b. Economic Development Corporation:

1. Approving the Issuance of \$4,100,000 Maximum Aggregate Principal Amount of Industrial Revenue Bonds (Fiber-Line/Cousins, LLC and Hickory Real Estate Associates, LP).

Ms. Bebe Leitch, Vice President, Catawba County Economic Development Corporation said two public hearing were held. The public hearing on February 19, 2001, indicated that Fiber-Line would be the owner and operator of the project and a second public hearing was held August 6, 2001, to change the structure of the Industrial Revenue Bond (IRB) to reflect that Fiber-Line/Cousins, LLC would be the owner of the machinery and equipment and operator of the project and that Hickory Real Estate Associates, LP would own the land and the building. She said the amount of the bonds has been changed from \$5,500,000 to \$4,100,000. The proceeds of the bonds will be used for the acquisition of 14 acres of land located in Shuford Business Park in Hickory, the construction of a 150,000 s.f. manufacturing facility and the acquisition and installation of machinery and equipment for the manufacture of glass-reinforced plastic for use in fiber optic cable. Approximately 32 new jobs will be created and the wages paid will be above the Catawba County average of \$14.78 per hour.

Resolution No. 2001-279

Resolution Approving the Issuance of \$4,100,000 Maximum Aggregate Principal Amount of Industrial Development Revenue Bonds (Fiber-Line/Cousins LLC Project), Series 2001A and 2001B of the Catawba County Industrial Facilities and Pollution Control Financing Authority to Finance a project in Catawba County for Fiber-Line/Cousin LLC and Hickory Real Estate Associates, L.P. and Approving the Project

BE IT RESOLVED by the Board of Commissioners for the County of Catawba:

Section 1. The Board of Commissioners has determined and does hereby declare as follows:

- (a) The Board of Commissioners of The Catawba County Industrial Facilities and Pollution Control Financing Authority (herein referred to as the "Authority") intends to meet and take the following action in connection with the proposed issuance and sale of the Authority's Industrial Development Revenue Bonds (Fiber-Line/Cousin LLC Project), Series 2001A and 2001B (the "Bonds"), in the maximum aggregate principal amount of \$4,100,000:
 - (1) approving the form of Financing Agreement by and among the Authority, Fiber-Line/Cousin LLC, Hickory Real Estate Associates, L.P. and Brown Brothers Harriman & Co. relating to the Industrial Project;
 - (2) approving the form of Credit Agreement between Brown Brothers Harriman & Co., Fiber-Line/Cousin LLC and Hickory Real Estate Associates, L.P.;
 - (3) approving the form of Deed of Trust from Hickory Real Estate Associates, L.P. to the Deed of Trust Trustee named therein for the benefit of Brown Brothers Harriman & Co.;
 - (4) approving the form of General Security Agreement between Fiber-Line/Cousin LLC and Brown Brothers Harriman & Co.;
 - (5) approving the form of Guaranty Agreement from Fiber-Line, Inc. to Brown Brothers Harriman & Co.; and
 - (6) approving the form of Guaranty Agreement from Fiber-Line/Cousin LLC to the Brown Brothers Harriman & Co.

Section 2. Pursuant to and in satisfaction of the requirements of Section 159C-4(d) of the General Statutes of North Carolina, the Board of Commissioners for the County of Catawba hereby approves the issuance by the Authority of its Industrial Development Revenue Bonds (Fiber-Line/Cousin, LLC Project), Series 2001A and 2001B in the maximum aggregate principal amount of \$4,100,000.

Section 3. This resolution shall take effect immediately upon its passage.

This 5th day of November, 2001.

Commissioner Barnes moved to pass the foregoing resolution, and the resolution was passed by the following vote:

Ayes: Ikerd, Barnes, Beatty, and Hunsucker.

Noes: None.

The motion carried unanimously.

/s/ W. Steve Ikerd, Vice Chairman
Catawba County Board of Commissioners

11. Attorneys' Report. None.

12. Manager's Report:

a. FORESIGHT Strategic Planning.

County Manager J. Thomas Lundy said FORESIGHT was formed in 1985 to bring twenty business, cultural, educational and governmental leaders from across the County together for a detailed long range strategic planning study. The goal was to examine the County's economic status, identify key areas of strength and weakness and recommend a series of strategies for the different actors in Catawba County to adopt in order to enhance the County's long term economic growth. He said the steering committee began its work with a broad review of basic information on County demographics. It identified four topics—education, government services, jobs and business creation, and transportation—that it felt were most critical to the County's long term economic vitality. The committee then appointed separate task forces to study in depth each of these areas. The task forces spent more than a year on this study before reporting strategy recommendations back to the FORESIGHT Committee in 1987. The FORESIGHT Committee reviewed these strategies, made changes and finally adopted a series of strategies which were presented to the Board of Commissioners and the community. They included action for the three boards of education, the city and county governments, the Chamber of Commerce, political parties, the private sector among others.

Mr. Lundy said today we enjoy the benefits of those strategies. Examples include:

1. In the area of education, FORESIGHT was the impetus for the creation of an Education Compact, an agreement between the Board of Commissioners and the three boards of education to fund the three public school systems at a level with the top 10% performing school systems in the State, while the school systems agreed to work for student test scores to reach and stay in the top 10%. All three school systems have showed dramatic improvement in test scores during the period of the compact.
2. Teacher supplements were increased from 3 percent to 7 percent.
3. Local governments have worked together on common zoning issues.
4. Local governments have banded together on urban transportation planning, speaking with one voice on transportation priorities.
5. Working with the two political parties, representatives from Catawba County were appointed to the North Carolina Board of Transportation.

Mr. Lundy said these are just some of the benefits we enjoy today which stemmed from the work of the FORESIGHT Strategic Planning Committee in the 1980s.

The FORESIGHT process went through two other complete strategic planning cycles. The first was to design Highway 321. Today, we see the benefits of that strategic planning as you compare the design of Highway 321 from Hickory south to the Lincoln County line, in comparison to 321 north from Hickory through Caldwell County. In 1989, FORESIGHT completed a third round of key issues in the areas of education, the environment, and social issues affecting the workforce. Out of this study came recommendations to set money aside to train students in the use of new technology, a call for the creation of a Catawba River Environmental Council, creation of the Children's Advocacy Council, and a Countywide Substance Abuse Task Force.

The Board of Commissioners placed the FORESIGHT Committee in recess in August 1994 after committee members and the Board of Commissioners agreed the FORESIGHT Committee had fully explored the issues assigned to it.

At the time of its strategic planning in the 1980s, Catawba County was the smallest governmental jurisdiction in the country to successfully complete three rounds of strategic planning. A lot has been accomplished in the fifteen years since FORESIGHT first convened and the Board of Commissioners has now decided to activate a new strategic planning process to determine strategies for the County's long term continued economic growth. Once again, this would be a cooperative effort between the public and private sectors. The process would involve:

1. An 18- to 24-month period of time.
2. A twenty-member steering committee appointed by the Board of Commissioners to direct the effort. The group would be drawn primarily from the private sector and would be considered movers and shakers with the ability to influence key actors in the Catawba County community.
3. A contract with the Western Piedmont Council of Governments with funding available to employ outside expertise as needed. The WPCOG would use a team of their staff over the course of the planning process. All existing studies would be drawn upon as resource material.
4. The planning process would include the following steps:
 - a. Getting organized.
 - b. Examining major trends and issues.
 - c. Looking at external factors that affect Catawba County's future to determine the areas of the County's strengths and its vulnerabilities. Internal resources would also be examined, including the quality and quantity of the workforce, financial health of the community, etc.
 - d. No more than four issues would be selected by the Steering Committee for study.
 - e. The Steering Committee would appoint task forces to examine each of the four areas and determine strategies for action.

One of the benefits of a strategic planning process is that it involves a wide cross section of the community at the task force level. It also gets the facts on the table and dispels misconception. Finally, what emerges is a series of strategies for specific action that are the responsibility of a wide range of community actors. The process is not designed to be a blueprint for Catawba County government, but for the community and its citizens. Members of the twenty-member steering committee would be appointed at a subsequent meeting.

Commissioner Barnes made a motion to approve a strategic planning process designed to develop strategies for Catawba County's long-term economic growth and authorize the County Manager to enter into a multi-year contract with the Western Piedmont Council of Governments to staff the process. The motion carried unanimously.

- b. Hickory Public Schools - transfer of funds.

Michael S. Talbert, Facilities Director said on March 26, 2001, the Board approved the transfer of \$1,302,678 from the College Park school renovation fund to a land purchase fund, of which \$437,468 was for five parcels of property for Middle School "B."

Mr. Talbert said based on recent reappraisal of the Bryon and John Long property, the Hickory Board of Education requests an additional \$20,000 from the College Park fund for school renovations to a land purchase fund for the Hickory Public Schools to complete the purchase of 5.538 acres of property owned by Bryon and John Long located on Catawba Valley Boulevard. The remaining funds in the school renovation account are currently unencumbered until all purchases for Middle School "B" are complete. The transfer of funds will enable the school board to purchase one of the parcels without proceeding with condemnation.

| | | |
|---------------|------------------------------|----------|
| Transfer From | 427-750100-865300-32102-3-01 | \$20,000 |
| To | 427-750100-865300-32111-1-01 | \$20,000 |

Commissioner Barnes made a motion to approve the transfer of funds to purchase 5.538 acres of property for Middle School "B." The motion carried unanimously.

- c. Mr. Lundy updated the Board on improvements to the Robert E. Hibbitts Meeting Room so that Board Members and citizens could view presentations using audiovisuals and GIS information. He said funds have been appropriated for the improvements.
- d. Mr. Lundy reminded the Board of its Retreat, on Friday, November 16, 2001, 8:30 a.m. at St. Stephens Branch Library and on Sunday, November 18, 2001, 2:00 p.m. dedication of the Robert E. Hibbitts Meeting Room at the 1924 Courthouse.

13. Other items of business.

- a. County Manager J. Thomas Lundy requested a Closed Session pursuant to North Carolina General Statute 143.318.11 (a) (3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body; (5) To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; and (6) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee.

Mr. Lundy said he did not anticipate any action after the closed session.

At 11:53 a.m. Commissioner Beatty made a motion to recess into closed session pursuant to North Carolina General Statute 143.318.11 (a) (3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body; (5) To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; and (6) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee. The motion carried unanimously.

14. Adjournment.

At 12:08 p.m. the Board returned to regular session and there being no further business to come before the Board, Commissioner Beatty made a motion to adjourn. The motion carried unanimously.

W. Steve Ikerd
Vice Chairman, Board of Commissioners

Thelda B. Rhoney
County Clerk